



United States Government

NATIONAL LABOR RELATIONS BOARD

Region 9

3003 John Weld Peck Federal Building

550 Main Street

Cincinnati, Ohio 45202-3271

Telephone: (513) 684-3686

Facsimile: (513) 684-3946

April 6, 2006

Mr. Tim Wayne Begley
211 Center Street
Lawrenceburg, Kentucky 40342

Re: HANSON AGGREGATES MIDWEST, INC.
Case 9-RD-2090

Dear Mr. Begley:

Your petition seeking an election among certain employees of Hanson Aggregates Midwest, Inc. has been carefully investigated and considered.

Decision to dismiss: Based on that investigation, I have concluded that further proceedings are not warranted and I am dismissing your petition for the following reasons:

Your petition seeks to decertify Local 14002, United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied-Industrial and Service Workers International Union, AFL-CIO (the Union) as the exclusive collective-bargaining representative of the Employer's employees employed at its Tyrone facility located at 1645 Tyrone Road, Lawrenceburg, Kentucky. ^{1/} By letter dated April 4, 2006, the Union disclaimed any right or interest in representing the bargaining unit employees at the Tyrone facility and there is no evidence that the Union is engaging in any action inconsistent with its disclaimer. Under these circumstances, there no longer exists any question concerning the continued representation of these employees.

Although this Agency customarily revokes a labor organization's certification of representative in these circumstances, the investigation further disclosed that no such certification was ever issued to the Union by this Agency. However, by virtue of its unequivocal disclaimer, Local 14002, United Steel, Paper and Forestry, Rubber, Manufacturing, Energy,

^{1/} The bargaining unit represented by the Union as contained in the parties' most recent contract is "All production, maintenance, and construction employees, excluding the clerical and supervisory employees, superintendents, assistant superintendents, foremen with the authority to hire and fire effectively and recommend such action, technicians, engineers, checkers and clerks."

Allied-Industrial and Service Workers International Union, AFL-CIO is no longer the exclusive collective-bargaining representative of the employees in the appropriate bargaining unit described above.

Your Right to Obtain a Review of Dismissal Action: Pursuant to the National Labor Relations Board's Rules and Regulations, any party may obtain a review of this action by filing a request for review with the National Labor Relations Board, 1099 14th Street, NW, Washington, DC 20570. If you file a request for review, you must also send a copy to the other parties to this proceeding and to me.

Request for Review Due Date: The request for review must be received by the Executive Secretary for the Board by the close of business at 5:00 p.m. EDT on **April 20, 2006**. However, if you mail the request for review, it will be considered timely if it is postmarked no later than the day before the due date.

Extension of Time to File Request for Review: Upon good cause, the Board may grant special permission for a longer period within which to file a request for review. If you file a request for extension of time with the Executive Secretary in Washington, you must send a copy of your request to the other parties to this proceeding and to me.

Request for Review Contents: The request for review must contain a complete statement setting forth the facts and the reasons that support your request for review of the decision to dismiss the petition. The request for review and any request for extension of time must include a statement that a copy has been served on the other parties to this proceeding and on me and that service has been accomplished in the same or faster manner as that used to serve the Board.

Sincerely,

/s/ Gary W. Muffley

Gary W. Muffley
Regional Director

GWM/dml

cc: Hanson Aggregates Midwest, Inc. - Attn: Mr. Jimmy Earlywine - 1645 Tyrone Road
Lawrenceburg, Kentucky 40342

Mr. Steven J. Fishman - Attorney at Law - The Fishman Group - 40950 Woodward Avenue,
Suite 350 - Bloomfield Hills, Michigan 48304

Local 14002, United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied-
Industrial and Service Workers International Union, AFL-CIO-CLC - 1169 Baker Lane
Nicholsville, Kentucky 40356

United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied-Industrial
and Service Workers International Union, AFL-CIO-CLC - Attn: Randy Pidcock,
District Organizing Coordinator - 85 C. Michael Davenport Boulevard, Suite B
Frankfort, Kentucky 40601